

WILKINSBURG BOROUGH COUNCIL MEETING
Legislative Session
November 16, 2011

CALL TO ORDER

President Moore called the meeting to order at approximately 7:05PM in Council Chambers, second floor of the Municipal Building, 605 Ross Ave., Wilkinsburg, PA.

ROLL CALL

The roll was called to establish a quorum. Council members present were: Mr. Lefebvre, Ms. Ervin, Ms. Evans, Ms. Trice, Mr. Cohn, Ms. McCarthy-Johnson, Ms. Macklin and President Moore. Also present were Mayor John Thompson, Marla P. Marcinko and Matt Racunas, Esquire, from the Law Offices of Patricia McGrail, L.L.C., and Borough Solicitor. A quorum was established.

President Moore expressed best wishes to all for a happy holiday and a Happy Thanksgiving.

PLEDGE OF ALLEGIANCE

Following the pledge of allegiance, a moment of silence was observed to remember victims of violent crime in the community and surrounding areas, the armed forces and Ms. Serena Givner, a long-time resident who recently passed away.

PUBLIC COMMENT

Wilbert Wright – 1315 Clark Street – Commented on an issue he has with Portnoff Law Associates regarding a dispute over a past due tax bill. It was suggested by Mr. Wright's attorney that he appear before Council.

Mr. Lewis arrived at 7:08 p.m.

Ms. Macklin suggested that Mr. Wright speak with the Finance Director, David Egler.

ORDINANCES ON SECOND READING

Ordinance #2880

Removing Handicap Parking Spaces at 564 Princeton Blvd., 713 Whitney Avenue, 446 Biddle Avenue, 7405 Lighthouse Point, 1656 Maplewood Avenue, 516 Holmes Street, 2453 Lake ton Road, 805 Grande Avenue, 1316 Franklin Avenue, 2063 Boggs Avenue.

Moved: Mr. Lewis

Second by: Mr. Cohn

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Yes: Ms. Ervin, Ms. Evans, Ms. Trice, Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson, Ms. Macklin, Mr. Lefebvre, President Moore

Motion carried

Ordinance #2881

Establishing stop intersections – Hill Avenue and Mill Street

Moved: Mr. Cohn

Second by: Ms. Evans

Yes: Ms. McCarthy-Johnson, Mr. Lewis, Mr. Cohn, Ms. Trice, Ms. Evans, Ms. Ervin, Mr. Lefebvre, Ms. Macklin, President Moore

Motion carried

RESOLUTIONS

11-093

Preliminary adoption of 2012 Budget and release for public inspection.

Moved: Mr. Cohn

Second by: Mr. Lefebvre

Ms. Macklin questioned the handling of the pension service purchase credit in the General Fund and felt that the credit should be reflected in the Pension Fund. Her concern is approval of the resolution for release to the public with the inclusion of the \$495,000 in the fund balance as this misstates the bottom line. She further commented that, at the end of 2012, the projected fund balance, if these monies are not included, is projected to be \$160,000 as opposed to the \$655,000 as currently estimated. She also commented that, as currently budgeted, the deficit between revenues and expenditures is approximately \$370,000 as opposed to \$900,000. Ms. Macklin expressed concern with releasing the document to the public without these issues being resolved and felt that the figures were misleading. She further commented on the difficulty for Council members to make decisions on expenditures or salary increases with the information as presented. Ms. Macklin proposed to table the preliminary adoption of the 2012 budget until clarification on some of the major issues can be obtained. Ms. Macklin further commented that she received the updated budget adjustments around 4:00 on November 15, 2011 and doesn't believe there has been sufficient time for review. Mr. Cohn expressed his disinterest in tabling the resolution. Mr. Cohn further clarified that there will not be money coming back to the Borough as a receipt but the credit will be applied against the Borough's service costs for contracted fire protection services in 2012. Mr. Cohn reminded Council that the budget figures are not final at this time. He commented that Council should not delay the release for public inspection.

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Ms. Marcinko commented that she spoke with the auditor and special labor counsel, who worked with the Borough on the pension issues related to the transaction with the City of Pittsburgh to provide contracted fire protection services. The primary concern of the auditor is that the expense budgeted for fire protection services must equal the cost stated and contained in the intergovernmental cooperation agreement. The auditor did agree that the issue is complicated by the fact that there are no actual monies being returned to the Borough. The auditor recommended that the entire cost be budgeted as an expense and that the value of the credit be amortized over a period of time, in increments equal to the debt service payments for the pension bond series, until such time as the approximately \$495,000 is completely expensed. The auditor suggested that the debt service for the pension bond series be netted to zero through either a journal entry or revenue line item in the budget. The auditor suggested that the Borough confirm that there is no legal obligation to deposit additional monies into the pension fund or plans given that the entire accrued liability for that obligation has been met through the bond proceeds. Another concern is overfunding of any of the plans which could result in the loss of State aid. Ms. Macklin commented that she had originally recommended applying the \$495,000 credit to the debt service for the pension bond series. She further commented that she doesn't believe these monies should be reflected in the general fund. Ms. Marcinko advised that the debt service is paid out of the general fund, not the pension reserve fund or pension plans. She further commented on the difference between the pension reserve fund and the individual pension plans for which the Borough does not prepare a budget. Mr. Cohn proposed to amend his original motion to include changes to reflect the auditors' suggestion of applying the credit to the pension plan against the pension bond series debt service. Mr. Cohn recommended following the auditor's recommendation. Ms. Macklin advised that she had suggested that and questioned if a journal entry will be made to put the amount on the balance sheet. Ms. Marcinko responded that it will be done either through journal entry or a balancing credit against the expense account for debt service. Ms. Macklin questioned if there will be another public hearing on the remaining funds. Mr. Cohn advised that discussion could take place at the first meeting in December.

Yes: Ms. McCarthy-Johnson, Mr. Cohn, Ms. Evans, Mr. Lefebvre, President Moore

No: Mr. Lewis, Ms. Trice, Ms. Ervin, Ms. Macklin

Motion carried 5:4

RESOLUTIONS

11-094

Approving Council Meeting Minutes of 10/05/11 and 10/19/11.

Moved: Mr. Lewis

Second by: Ms. McCarthy-Johnson

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Yes: Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson, Ms. Macklin, Mr. Lefebvre,
Ms. Ervin (Minutes of 10/19/11), Ms. Evans, Ms. Trice, President Moore

Abstain: Ms. Ervin (Minutes of 10/5/11)

Motion carried

11-095

Approving October Checks Issued

Regular Distributions 10/1/11-10/31/11	\$1,312,111.32
Payroll Disbursements	237,645.39
Voided Checks	<u>(268.61)</u>
Total Disbursement	\$1,549,488.10

Moved: Mr. Cohn

Second by: Ms. McCarthy-Johnson

Yes: Mr. Cohn, Ms. McCarthy-Johnson, Mr. Lefebvre, Ms. Evans, President Moore

No: Ms. Trice, Mr. Lewis, Ms. Macklin, Ms. Ervin

Motion carried 5:4

11-096

Sponsoring Holiday Parade and authorizing street closure.

Moved: Ms. McCarthy-Johnson

Second by: Mr. Lewis

Yes: Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson, Ms. Macklin, Mr. Lefebvre, Ms.
Ervin, Ms. Evans, Ms. Trice, President Moore

Motion carried

11-097

Sponsoring a banner – Holiday Parade

Moved: Ms. McCarthy-Johnson

Second by: Mr. Lewis

Ms. Macklin questioned when the banner will be put up. Ms. Evans commented on the need to establish a time limit for banners to remain in place. Ms. Ervin questioned the last day for the Farmer's Market to be held.

Yes: Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson, Ms. Macklin, Mr. Lefebvre, Ms.

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Ervin, Ms. Evans, Ms. Trice, President Moore

Motion carried

11-098

Approving VPRP Application – 520 Jeanette Street

Moved: Ms. Macklin

Second by: Mr. Cohn

Yes: Mr. Lewis, Ms. McCarthy-Johnson, Ms. Macklin, Mr. Cohn, Ms. Trice, Ms. Evans, Ms. Ervin, Mr. Lefebvre, President Moore

Motion carried

11-099

Approving property purchase – 1900 Graham Blvd.

Moved: Ms. Macklin

Second by: Mr. Lewis

Ms. Macklin commented that the resolution does not state how the acquisition of the property will be funded and from what fund. Mr. Racunas commented that the resolution is required by the settlement company and is necessary in order to execute the closing documents. The format was provided to the Solicitor's office. Ms. Marcinko commented that initially it had been discussed that the monies would be borrowed from the Sewer Fund. Ms. Marcinko questioned whether there had been any discussion by the Capital Planning Committee to use bond proceeds for the purchase. Ms. Macklin commented that she understands the library is fund raising and the library is planning to repay the loan from library funding. She further commented that, if this is correct, that the payment will be disbursed from the Sewer Fund and the library will be repaying the Borough on a monthly basis. Ms. Macklin questioned whether the plan for funding and repayment needs to be identified within the subject resolution. Ms. Marcinko advised that specific action is not required for the subject resolution. Council will need to decide whether to fund the acquisition from the Sewer Fund or bond proceeds which are the only two sources of funding.

Ms. Macklin suggested a friendly amendment to add the statement "to borrow money from the Sewer Fund to be paid back from the Library Fund at equal to or less than the current rate".

Moved: Ms. Macklin

Second by: Ms. Ervin

Mr. Lewis questioned whether the Borough would be obligated to maintain the use of the building as a library if the acquisition costs are paid through bond proceeds. Mr. Cohn

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suggested obtaining clarity on the best way to fund the purchase before making a final decision. Ms. Macklin withdrew her friendly amendment.

Yes: Ms. Ervin, Ms. Evans, Ms. Trice, Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson, Ms. Macklin, Mr. Lefebvre, President Moore

Motion carried

11-100

Approving lot consolidation – 522 Ardmore Blvd.

Moved: Ms. Macklin

Second by: Mr. Lefebvre

Yes: Ms. Ervin, Ms. Evans, Ms. Trice, Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson, Ms. Macklin, Mr. Lefebvre, President Moore

Motion carried

Ms. Macklin commented that the proposed development will be a great addition to Ardmore Boulevard and expressed her appreciation for the long-term business owners, SSA.

ORDINANCES ON FIRST READING

Ordinance #2882

Establishing the tax rate for Fiscal Year 2012

Moved: Ms. Evans

Second by: Mr. Cohn

Ms. Trice questioned whether the proposed tax rate reflects any rate increase. Ms. Marcinko responding that there is no increase proposed for 2012.

Yes: Ms. Ervin, Ms. Evans, Ms. Trice, Mr. Cohn, Mr. Lewis, Ms. McCarthy-Johnson, Ms. Macklin, Mr. Lefebvre, President Moore

Motion carried

Ordinance #2883

Establishing Handicap Parking Space – 1121 Wallace Ave.

Moved: Ms. Ervin

Second by: Mr. Cohn

Yes: Ms. McCarthy-Johnson, Mr. Lewis, Mr. Cohn, Ms. Trice, Ms. Evans, Ms. Ervin, Mr. Lefebvre, Ms. Macklin, President Moore

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Motion carried

OLD BUSINESS

Ms. Trice questioned why delinquent tax collection had been placed on the November 2, 2011 agenda. Ms. Marcinko advised that it had been requested at the September Personnel Committee meeting to be added under Old Business to the November Planning Session agenda.

Ms. McCarthy-Johnson announced that the Chamber of Commerce will decorate the Penn Avenue Parklet again this year. Additionally, Wilkinsburg is sponsoring its own Toy Drive this year as opposed to going through the Toys for Tots Program. Distribution and a party are tentatively scheduled to be held on December 17, 2011 at the H & R Block building on Penn Ave. The committee is accepting donations. Letters will be mailed to businesses in Wilkinsburg on November 17, 2011. Ms. McCarthy-Johnson advised that the Holiday Parade will be held on December 3, 2011.

Ms. Evans announced that the CONNECT Executive Committee will be hosting a Friends and Family Networking event on November 17, 2011 at 6:00 PM in Oakland. Ms. Evans announced that the WDCD Design Committee will sponsor a design charette on November 30, 2011 at 7:00 p.m. at 1001 Wood Street. Chatham University landscape/architecture students will be participating with the purpose being to discuss development of the Penn Avenue Parklet.

Mr. Lewis commented about issues on Foliage Street and the deterioration which has occurred in that neighborhood over the past several years due to illegal drug activity. He commented that he has reported incidents and observed activity to the police department and that one responding officer told him that there was nothing that he could do for him. He stated that on another occasion, there was no Wilkinsburg Police Department response to a call to 911. He commented that he has taken his concerns to the Chief and a Sergeant and has provided a great deal of information regarding purported actors to the Police Department to no avail. Mayor John Thompson commented that he will speak with Chief Coleman and that this is the first time that he has heard these concerns.

ADJOURNMENT

Being no further business, on motion by Mr. Lewis; second by Ms. Ervin, the meeting was adjourned at approximately 8:00 PM.

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Eugenia Moore, Council President